

CITY OF TRINITY

AN ORDINANCE PROVIDING FOR THE REGULATION OF UNLAWFUL CONDITIONS ON PRIVATE PROPERTY WITH RESPECT TO PUBLIC NUISANCES

WHEREAS, the City Council of the City of Trinity, North Carolina, is authorized by NCGS 160A-193 to summarily remove, abate, or remedy conditions which are dangerous or prejudicial to the public health or safety, the following ordinance is hereby established;

BE IT ORDAINED by the City Council of the City of Trinity, that the Code of Ordinances of the City of Trinity be amended as follows:

Part 1. This ordinance shall be entitled Public Nuisances and Unlawful Conditions On Private Property and is hereby written to read as follows:

“PUBLIC NUISANCES AND UNLAWFUL CONDITIONS ON PRIVATE PROPERTY”

Section 1. DECLARATION OF PUBLIC NUISANCE.

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the City and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances in hereby declared unlawful:

- (1) Any weeds or other noxious vegetation having an overall height of more than eighteen (18) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.
- (2) Any accumulation of trash and/or garbage which is the result of the absence or of overflowing or improperly closed trash or garbage container;
- (3) Accumulation in an open place of hazardous or toxic materials and chemicals.
- (4) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;
- (5) Any accumulation of garbage, rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or

- threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.
- (6) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
 - (7) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items.
 - (8) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the City Manager or his/her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
 - (9) The placement, storage or use of boxes, upholstered sofas, couches, chairs, or other indoor type furniture not intended for outdoor use, appliances, and parts from motor vehicles; use on any open porch, carport, stoop, deck, veranda, terrace, patio, or other outdoor area that is visible from the right-of-way. Properties where the open porch, carport, stoop, deck, veranda, terrace, patio, or other outdoor area is greater than 500' from the public right-of-way is exempt from the section. Properties that are zoned Residential Agriculture or greater than 2.5 acres are also exempt from this section.
 - (10) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

Section 2. COMPLAINT; INVESTIGATION OF PUBLIC NUISANCE.

When any condition in violation of this section is found to exist, the housing inspector or such persons as may be designated by the City Manager, or the City Manager, himself/herself, shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the City may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.

2. By depositing the notice in the United State Post Office addressed to the owner at his last known address with postage prepaid thereon.
3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2).

Section 3. ABATEMENT PROCEDURE.

If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the City Manager may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Section 4. ALTERNATIVE REMEDIES.

The procedure set forth in this Ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances. This ordinance shall not prevent the City from proceeding in a criminal action against any person, firm or corporation violating the provisions of this Ordinance as provided in N.C. G. S. 14-4. In addition to the remedies provided for herein, any violation of the terms of this ordinance shall subject the violator to the penalties and remedies, either criminal or both, as set forth in the General Penalties; Enforcement of Ordinances; Continuing Violations Ordinance of the City of Trinity”.

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the City Council of the City of Trinity, North Carolina.

ADOPTED this the _____ day of _____, 20 ____.

ATTEST

City Clerk

Mayor